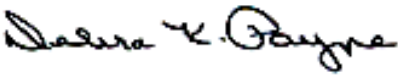
	<b>POLICIES AND PROCEDURES</b>  <b>State of Tennessee</b> <b>Department of Intellectual and Developmental Disabilities</b>	<b>Policy #: 80.2.3</b>	<b>Page 1 of 3</b>
<b>Policy Type: Administrative</b>		<b>Effective Date: June 27, 2013</b>	
<b>Approved by:</b>  <hr/> <b>Commissioner</b>		<b>Supersedes: N/A</b>  <b>Last Review or Revision: N/A</b>	
<b>Subject: Investigation Review Committee</b>			

- I. **AUTHORITY:** Tennessee Code Annotated (T.C.A.) Section 4-3-2708, T.C.A. 33-1-302(a)(3), T.C.A. 33-1-303, T.C.A. 33-1-305, T.C.A. 33-2-402 and T.C.A. 68-11-1002.
- II. **PURPOSE:** To establish a process to review the conclusion(s) of a Final Investigation Report when new or additional information is presented that was not considered during the investigation or a question concerning the integrity of the investigative process is identified.
- III. **APPLICATION:** This policy applies to employees of the Department of Intellectual and Developmental Disabilities (hereinafter "DIDD" or "Department") and members of the Investigation Review Committee.
- IV. **DEFINITIONS:**
  - A. **Abuse** shall mean the knowing infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish
  - B. **Exploitation** shall mean actions including but not limited to the deliberate misplacement, misappropriation or wrongful, temporary or permanent use of belongings or money with or without the person's consent. DIDD also considers it exploitation to illegally or improperly use a person or person's resources for another's profit or advantage.
  - C. **Investigation** shall mean a formal procedure for the review and examination of allegations of abuse, neglect, exploitation, serious injury of unknown cause or suspicious injury and/or death of an individual receiving services and supports through DIDD.
  - D. **Investigation Review Committee (IRC)** shall mean a committee comprised of DIDD employees as designated below, the purpose of which is to review Final Investigation Reports as originally submitted and make decisions to uphold, modify or overturn the original decision(s).
  - E. **Neglect** shall mean the failure to provide goods or services necessary to avoid physical harm, mental anguish or mental illness, which results in injury or probable risk of serious harm.

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V. **POLICY:** The Department shall establish and maintain an Investigation Review Committee. The committee shall consider those requests for review of Final Investigation Reports that have been approved by the Director of Investigations and make decisions to uphold, modify or overturn the original decision(s).

VI. **PROCEDURES:**

A. Investigation Review Committee Members

1. The committee's membership shall consist of seven (7) persons appointed by the Commissioner or his or her designee, representing the following DIDD offices or areas of operation:
  - a. One (1) representative from Health Services.
  - b. Two (2) representatives from Program Operations.
  - c. One (1) representative from Policy and Innovation.
  - d. One (1) representative from Accreditation.
  - e. Two (2) representatives from Quality Management.
2. The Commissioner or his or her designee shall appoint one of the members to serve as the IRC chairperson. The chairperson shall cast a vote only in the event of a tie.

B. Committee Meetings

1. The IRC shall meet when necessary to conduct business before it. The chairperson shall set the meeting date and time and provide reasonable advance notice to the members.
2. A quorum shall consist of five (5) committee members in attendance, either personally or by telephone conference call.
3. Votes submitted via email, letter or proxy will not be accepted.
4. The chairperson shall send each Request for Investigation Review form and supporting documents to committee members, the Investigations Coordinator and the investigator no less than seven (7) business days prior to the scheduled meeting.
5. The committee shall keep minutes of its meetings which shall reflect its decisions.

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C. Requests for Investigation Review

Requests for review shall conform to the requirements of the Request for Investigation Review form.

D. Investigation Review Committee Actions

1. The IRC shall, upon review of the cases before it:
  - a. Determine whether additional information is needed before making a decision. If so, the chairperson shall request the information from the Investigations Coordinator or investigator. Upon receipt, the chairperson shall present the information at the next scheduled committee meeting.
  - b. Determine whether conclusions from the Final Investigation Report should be upheld, modified or overturned.
  - c. Once the review is closed by the Investigation Review Committee, the decision by the committee is final.
2. Within five (5) business days of the meeting at which a determination is made, the chairperson shall inform the Commissioner or his or her designee of the committee's decision. The following parties shall also be notified:
  - a. The party which submitted the request for review.
  - b. The Director of Protection from Harm.
  - c. The Director of Investigations.
  - d. The Regional Director.
  - e. The Investigations Coordinator.
  - f. The Investigator.
  - g. The Regional Protection from Harm Follow-Up Coordinator.

VII. **ATTACHMENTS:**

- A. Request for Investigation Review Form